



## **A G E N D A**

**General Plan/LCP Implementation Committee  
December 16, 2009  
3:30 p.m.  
Fire Department Conference Room**

1. Approve Action Minutes from November 18, 2009  
Attachment No. 1 3:30-3:35pm
2. Draft Zoning Code Review – Review and provide direction to staff  
Attachment No. 2  
  - A. Residential Development Standards Comparison Matrix
  - B. Draft Canyon Overlay District Standards3:35-4:45pm
3. Future Meeting Dates – Schedule Dates 4:45-4:50pm
4. Items for Future Agenda 4:50-4:55pm
5. Public Comments on non-agenda items 4:55-5:00pm
6. Adjourn

**Attachments:**

1. Draft Action Minutes from November 18, 2009
2. Draft Zoning Code Review Support Documents

The Draft Zoning Code (Second Public Draft) was previously distributed and is available on-line at: <http://www.newportbeachca.gov/index.aspx?page=1284> or contact the Planning Department at 949-644-3200.

## **Attachment No. 1**

Action Minutes from November 18, 2009



# CITY OF NEWPORT BEACH GENERAL PLAN/LCP IMPLEMENTATION COMMITTEE

## DRAFT ACTION MINUTES

Action Minutes of the General Plan/LCP Implementation Committee held at the City Council Chambers, City of Newport Beach, on **Wednesday, November 18, 2009**

### Members Present:

|   |                                       |
|---|---------------------------------------|
| X | Ed Selich, Mayor, Chairman            |
| X | Leslie Daigle, Council Member         |
| X | Don Webb, Council Member              |
| X | Barry Eaton, Planning Commissioner    |
| X | Robert Hawkins, Planning Commissioner |
| X | Michael Toerge, Planning Commissioner |

### Advisory Group Members Present:

|   |                 |
|---|-----------------|
|   | Mark Cross      |
|   | Larry Frapwell  |
|   | William Guidero |
|   | Ian Harrison    |
| X | Brion Jeannette |
|   | Don Krotee      |
|   | Todd Schooler   |
|   | Kevin Weeda     |
|   | Dennis Wood     |

### Staff Representatives:

|   |                                     |
|---|-------------------------------------|
| X | Sharon Wood, Assistant City Manager |
| E | David Lepo, Planning Director       |
| E | City Attorney                       |
| X | James Campbell, Principal Planner   |
| X | Gregg Ramirez, Senior Planner       |
| X | Melinda Whelan, Assistant Planner   |

E = Excused Absence

### Committee Actions

1. **Agenda Item No. 1** – Approval of minutes as corrected for September 30, 2009.

**Action:** Committee approved draft minutes as corrected – strike “Vote – Consensus” under public comments on non-agenda items.

**Vote:** Consensus

**2. Agenda Item No. 2 – Draft Zoning Code Review – A. Submerged Area Memo, B. Oral Update on other Code Tasks:**

**Action:** The Committee reviewed the Memo and provided the following action and suggestions:

- Maintain existing Code regarding submerged areas
- Verify that the City Attorney has no comments
- Provide consistent definitions and cross reference with Municipal Code and Local Coastal Plan and General Plan

**Action:** Staff provided an update on residential building envelope comparisons with sketches by Brion Jeannette and an update on Canyon regulations. The Committee provided the following suggestions:

- Overall the sketches appear to display that building bulk would be reduced with more open space, even though there would be a small increase in square footage allowance with the proposed residential regulations
- Majority of the Committee agrees with general direction of Draft Code to eliminate the FAR calculation for single-and two-family residential properties
- For clarity, staff will provide a matrix spreadsheet of typical lot sizes comparing square footage outcomes with existing and proposed residential regulations
- Chairman Selich announced that Staff has drafted an Inclusionary Housing Ordinance to be included in the Title 19 Subdivision Code

Public Comment on this item:

- Mary McCarthy. 300 Poppy Avenue is concerned with the height and bulk of residences on the Canyon as they decrease views to the ocean. She feels that development regulations for properties abutting the Canyon on Hazel Drive should be revised to have similar height restrictions to Ocean Boulevard which do not allow building heights to exceed existing curb heights.

**3. Agenda Item No. 3 – Items for Future Agenda**

The next meeting is on December 16<sup>th</sup> and the following are tentative items for the agenda: traffic fair share fee, matrix displaying typical lot sizes and comparing square footage outcomes with existing and proposed residential regulations, and possible policy questions for the city attorney.

**Vote:** Consensus

**4. Agenda Item No. 4 – Public Comments on non-agenda items**

Cora Newman of Government Solutions asked for a timeline on the availability of the next Draft. Staff explained the goal for the next draft is tentatively February 1, 2010; however, it will depend on comments that need to be addressed from the City Attorney.

**5. Agenda Item No. 5 – Adjourn**

Meeting adjourned at 5:00 p.m.

DRAFT

**Attachment No. 2**  
Draft Zoning Code Review Support  
Documents

# Memorandum – Agenda Item 2A

**To:** GP/LCP Committee  
**From:** Planning Department  
**Date:** December 16, 2009  
**Re:** Residential Regulations – Floor Area Comparison

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Attached are the following for your review:

- Floor Area Comparison
- Open Space Requirement
- Existing Code Floor Area Calculation
- Residential Standards Comparisons

## Calculation of Floor Area

Buildable Area = lot size minus setbacks

Floor area = square footage calculation

### Draft Code

- Floor area allowed by the draft code is the anticipated maximum above ground square footage since the building size is regulated by a combination of regulations (setbacks, height, setback plane, open space, etc), not a calculated floor area limit or FAR in the R-1 and R-2 zones. The calculation used for the comparison assumes full build-out (entire buildable area) of two floors and the maximum allowed third floor. The calculation then deducts square footage based on the applicable open space requirement.
- Formula: Buildable Area x 2 + 3<sup>rd</sup> floor (20% or 15% of buildable area) – required open space (20% or 50% of buildable area) = anticipated above ground square footage.
- Example: square footage = 3,360 sq ft. (based on 2 x 1680 – 336 (20% open space requirement) + 336 (20% third floor limitation). Anticipated square footage does not factor in a basement.

### Existing Code

- Existing gross floor area calculation is 2 x Buildable Area = maximum allowable square footage. Attached is the existing code regulation for the calculation of floor area.

## Floor Area Comparison

| Area   | Lot Dimensions/Area          | Setbacks           | Buildable Area             | Existing Code – Max. Floor Area | Draft Code*                           |
|--|------------------------------|--------------------|----------------------------|---------------------------------|---------------------------------------|
| <b>Newport Shores (Prospect)</b>             | 35 x80<br>2800 square feet   | F:5<br>S:3<br>R:5  | 29x70<br>2030 square feet  | 2030x2=<br>4060 square feet     | 3959 square feet<br>5989 square feet  |
| <b>West Newport (45<sup>th</sup> Street)</b> | 30 x85<br>2550 square feet   | F:10<br>S:3<br>R:5 | 24x70<br>1680 square feet  | 1680x2=<br>3360 square feet     | 3360 square feet<br>5040 square feet  |
| <b>Peninsula (Peninsula Point)</b>           | 35x75<br>2625 square feet    | F:10<br>S:3<br>R:0 | 29x65<br>1885 square feet  | 1885x2=<br>3770 square feet     | 3675 square feet<br>5560 square feet  |
| <b>Lido Island (Via Lorca)</b>               | 40x88<br>3200 square feet    | F:4<br>S:4<br>R:10 | 32x74<br>2368 square feet  | 2368x2=<br>4736 square feet     | 4617 square feet<br>6985 square feet  |
| <b>Newport Heights (El Modena)</b>           | 50x128<br>6400 square feet   | F:20<br>S:4<br>R:3 | 42x103<br>4326 square feet | 4326x2<br>8652 square feet      | 8436 square feet<br>12762 square feet |
| <b>Corona Del Mar 1 (Poinsettia)</b>         | 30 x 118<br>3540 square feet | F:20<br>S:3<br>R:5 | 24x93<br>2232 square feet  | 2232x1.5=<br>3348 square feet   | 3794 square feet<br>6026 square feet  |
| <b>Corona Del Mar 2 (Acacia)</b>             | 30 x 118<br>3540 square feet | F:15<br>S:3<br>R:5 | 24x98<br>2352 square feet  | 2352x1.5=<br>3528 square feet   | 3998 square feet<br>6350 square feet  |

\*Top number assumes 3-story home, no basement. Lower number single level basement which, could achieve floor area equal to the buildable area



**Draft Code**

**A. Open space requirement.**

**1. R-1 and R-2 zoning districts.**

- a. **Citywide (except Corona Del Mar).** Each dwelling shall be provided with a minimum of 20 percent of the buildable area of the lot as open space. A minimum of 25 percent of the required open space shall be located above the ground floor, but below 24 feet in height.
- b. **Corona Del Mar.** Each dwelling shall be provided with a minimum of 50 percent of the buildable area of the lot as open space. A minimum of 20 percent of the buildable area shall be located on the ground floor and a minimum of 30 percent of the buildable area shall be located above the ground floor, but below 24 feet in height.

**2. Open space standards.** To satisfy the open space requirement the space shall meet the following minimum standards:

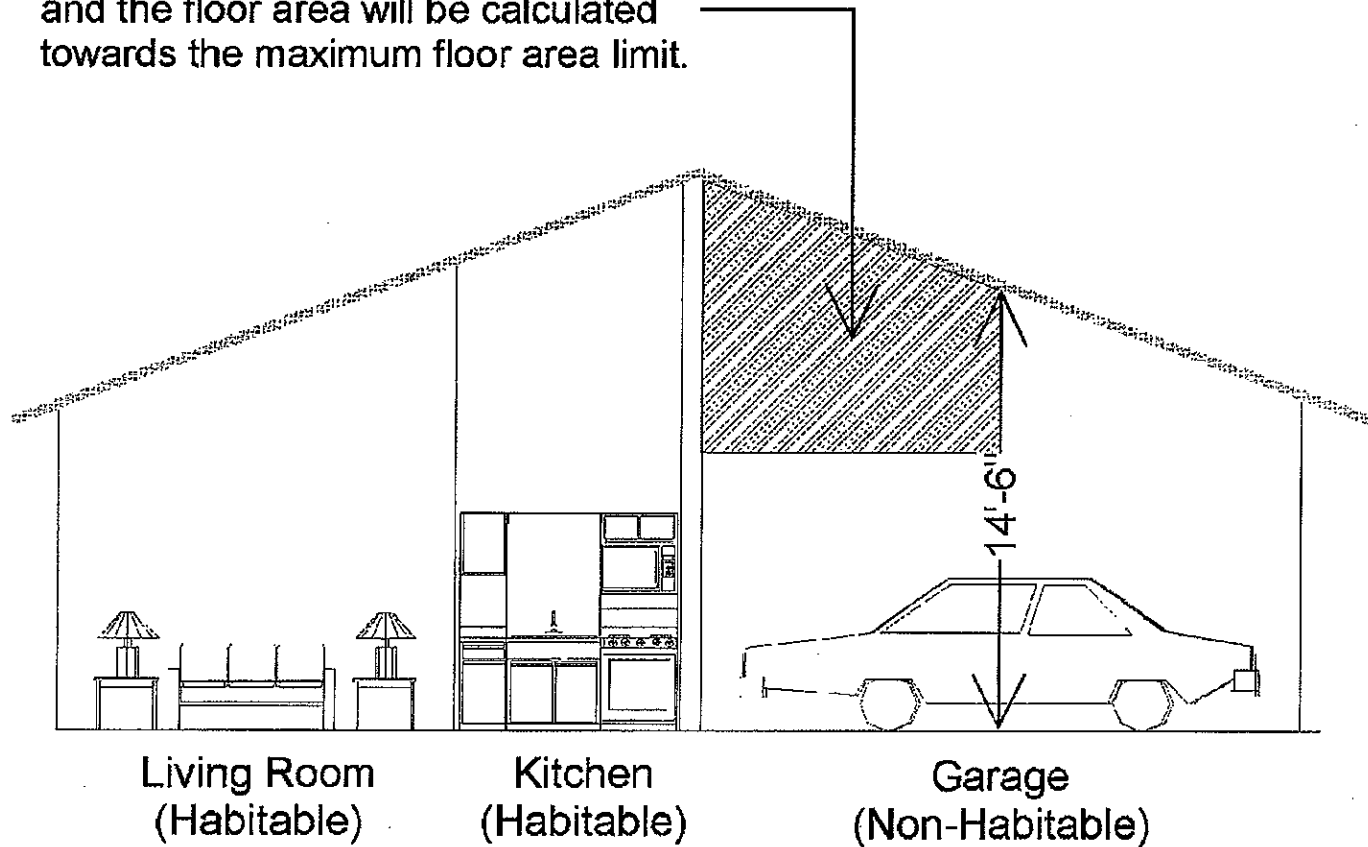
- a. Have a minimum dimension of at least 5 feet in depth from the wall plane on which it is located and a minimum vertical dimension of at least 7.5 feet;
- b. Be located within the buildable area of the lot;
- c. Be open to the outdoors on at least one side; and
- d. Be located no higher than the second floor or 24 feet in height.

**3. Front facade modulation.** A minimum of 20 percent of the area of the front facade (front elevation) of the structure shall be offset from the remainder of the of the front facade by a minimum of 5 feet in depth, 6 feet in width, and 7.5 feet in height. The two dimensional horizontal open space area created by this offset may be applied towards meeting the open space requirement specified in paragraph A.1, above.

## Existing Code, Floor Area Calculation - Section 20.20.030

**Calculation.** The gross floor area shall consist of the total enclosed area of all floors of a building measured to the outside face of the structural members in exterior walls, and including halls, stairways, service and mechanical equipment rooms, and basement or attic areas having a height of more than 7 feet. Internal shafts, such as elevator shafts, dumbwaiter shafts, ventilation shafts, and similar vertical shafts shall be counted as floor area on one floor level only. Non-habitable rooms and spaces of a building, with the exception of bath or toilet rooms, connecting corridors, foyers, and stairwells, that measure more than 14 feet 6 inches from finished floor to the ceiling above finished floor shall be considered to occupy two floor levels and the floor area of each level shall therefore be calculated towards the maximum floor area limit.

Area considered to be a second floor and the floor area will be calculated towards the maximum floor area limit.



# Residential Development Standards Comparison

| Standard                                     | Existing Zoning Code   | Draft Zoning Code  |
|--|--|--|
| <b>Zoning District</b>                       | R-1: One unit permitted<br>R-2: One or two units permitted   | No Change  |
| <b>Setbacks</b>                              | Zone Standard or per District Map  | No Change  |
| <b>Maximum Square Footage*</b>               | 2 or 1.5 square feet x the buildable area<br>(Buildable area = lot area minus setback area)  | None – Proposed code uses open space square footage requirement, third floor size limitation, setback planes and third floor step-backs to regulate size and bulk.   |
| <b>Third Floor Square Footage Limitation</b> | None   | 15 percent of the total buildable area for lots wider than 30 feet<br>20 percent of the total buildable area for lots 30 feet wide or less   |
| <b>Third Floor Step-back</b>                 | None   | Enclosed square footage on a third floor or above 24-feet in height must be setback 15-feet from the front and rear setbacks and 2 feet from side setbacks, including bay windows.   |
| <b>Setback Plane</b>                         | None   | 45 degree plane beginning at a height of 24-feet. Required on sides only if lot is greater than 40 feet wide.  |
| <b>Height</b>                                | Sloping Roof <ul style="list-style-type: none"> <li>• Ridge: 29 feet</li> <li>• Mid-Point: 24 feet</li> <li>• No minimum pitch requirement</li> </ul> Flat Roof <ul style="list-style-type: none"> <li>• 24 feet</li> <li>• Deck Railing: 24 feet</li> </ul> | Sloping Roof <ul style="list-style-type: none"> <li>• Ridge: 29 feet</li> <li>• No mid-point measurement</li> <li>• Minimum pitch 3:12</li> </ul> Flat Roof <ul style="list-style-type: none"> <li>• 24 feet</li> <li>• Deck Railing: 24 feet</li> </ul> |
| <b>Open Space Square Footage</b>             | None or cubic area (buildable width x height limit x 6)  | 20% of the buildable area.<br>Corona del Mar: 50% of the buildable area  |
| <b>Parking</b>                               | 2 per unit   | 2 per unit<br>3 per unit if greater if more than 4,000 sqft.   |



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## Memorandum – Agenda Item 2B

**To:** GP/LCP Committee  
**From:** Planning Department  
**Date:** December 16, 2009  
**Re:** Canyon Overlay District – Draft Regulations

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Attached for your review are the following:

- Draft development regulations for the proposed Canyon Overlay District
- Applicable general plan policies
- A portion of the zoning map showing the location of the proposed overlay

The draft regulations were created using Committee direction, reviewing existing and historic development regulations, applying General Plan policies and researching potential conflicts with current regulations and standards implemented by other City departments (Fire, Building, Public Works). Staff also looked into how the HOA's guide development along both sides of Morning Canyon and the southerly side of Buck Gully to avoid conflict and to respect the historical development pattern.

Staff's presentation at the meeting will include graphics depicting lot lines, proposed development setbacks, watercourse location and the related setback, fire department fuel management areas and known wetland locations.

**Canyon Overlay District – Buck Gully and Morning Canyon**

- A. Applicability.** This Section applies to lots located within the Canyon Overlay District (see map, Part 8). All development must comply with all applicable regulations (e.g. height, accessory structures, etc.) of the underlying zoning district unless otherwise specified by this section. In situations where an inconsistency or conflict occurs, the more restrictive regulation prevails.
- B. Setbacks.** Minimum setbacks for the front and side yards shall comply with the underlying zoning district regulations and setback maps. Rear setbacks shall be a minimum of 25-feet.
- C. Watercourse Setback.** A minimum setback of 25-feet shall be maintained from the bank of the watercourse. No structures or grading is permitted within this setback except for approved drainage and water quality devices. All development shall also comply with applicable flood zone requirements.
- D. Maximum Floor Area/Lot Coverage.** For R-1 zoned lots only, the maximum allowed floor area shall be 1.5 times the buildable area of the lot. This limitation does not apply to lots regulated by lot coverage.
- E. Fuel Modification/Hazard Reduction.** Fuel management shall be done in compliance with the requirements of the Newport Beach Fire Department.
- F. Environmental Study Area.** Where proposed development would require the expansion of the fuel management area beyond what would be required if the primary structure was re-built in it's existing location or, be located within 100 feet of a wetland, the proposed development shall be subject to Section 20.30.030 (Environmental Study Areas) unless, a previous biological report or study has concluded that sensitive habitat or species are not present within the project boundaries.
- G. Grading.** Grading is limited to the minimum necessary for the construction and placement of allowed structures.
- H. Drainage.** Drainage and water quality related requirements shall be done in compliance with Building Department and Public Works Department requirements.
- I. Adjustment of Development Standards.** Per Section XX-XXX-XX of the Bluff Overlay District. (See excerpt on following page)

### **Adjustment of Development Area Boundary (from Bluff Overlay)**

1. **Minor adjustment of a development area(s).** The Planning Director may administratively adjust the boundary when the strict application of a development area based upon the graphic exhibit creates a circumstance contrary to the intent and purpose of this Section.
2. **Reduced development area(s).** A bluff development area shall be reduced whenever necessary to:
  - a. Ensure safety and stability against slope failure (i.e., landsliding) for the economic life of a development. At a minimum, the development area shall be adjusted to ensure a slope stability factor greater than or equal to 1.5 at the end of the economic life of the development for the static condition of the bluff or canyon or a factor of safety greater than or equal to 1.1 for the seismic condition of the bluff or canyon, whichever is further landward; and
  - b. Ensure that the principal structures are safe from hazards due to erosional factors for the economic life of the building.
3. **Increased development area(s).** A development area(s) boundaries may be adjusted through the approval of a Site Development Review (Section xx-xx-xx) to permit structures and grading not otherwise allowed. In addition to the Site Development Review findings, the following findings must be made:
  - a. The increased bluff or canyon development area ensures a slope stability factor safety greater than or equal to 1.5 at the end of the economic life of the development for the static condition of the bluff or canyon or a factor of safety greater than or equal to 1.1 for the seismic condition of the bluff or canyon, whichever is farther landward; and
  - b. The increased bluff or canyon development area will provide adequate protection from erosion factors for the economic life of the development, and
  - c. The increased bluff or canyon development area is compatible and consistent with surrounding development.
  - d. The increased bluff or canyon development area will not have an impact on public views, sensitive habitat areas and is not otherwise detrimental to the community.

**Canyon Related General Plan Policies**

**NR 10.3      Analysis of Environmental Study Areas**

Require a site-specific survey and analysis prepared by a qualified biologist as a filing requirement for any development permit applications where development would occur within or contiguous to areas identified as ESAs. (*Imp 2.1, 6.1,*)

**NR 10.8      Standards for Buck Gully and Morning Canyon**

Prepare natural habitat protection regulations for Buck Gully and Morning Canyon for the purpose of providing standards to ensure both the protection of the natural habitats in these areas and of private property rights. Include standards for the placement of structures, native vegetation/fuel modification buffers, and erosion and sedimentation control structures. (*Imp 2.1, 6.1*)

**NR 23.1      Maintenance of Natural Topography**

Preserve cliffs, canyons, bluffs, significant rock outcroppings, and site buildings to minimize alteration of the site's natural topography and preserve the features as a visual resource. (*Imp 2.1*)

**NR 23.6      Canyon Development Standards**

Establish canyon development setbacks based on the predominant line of existing development for Buck Gully and Morning Canyon. Do not permit development to extend beyond the predominant line of existing development by establishing a development stringline where a line is drawn between nearest adjacent corners of existing structures on either side of the subject property. Establish development stringlines for principle structures and accessory improvements. (*Imp 2.1, 6.1*)

**NR 23.7      New Development Design and Siting**

Design and site new development to minimize the removal of native vegetation, preserve rock outcroppings, and protect coastal resources. (*Imp 2.1*)

**S 6.2          Development in Interface Areas**

Apply hazard reduction, fuel modification, and other methods to reduce wildfire hazards to existing and new development in urban wildland interface areas. (*Imp 8.1*)

**S 6.7          Properties within Interface Areas**

Conduct regular inspections of parcels in the urban wildland interface areas and direct property owners to bring their property into compliance with fire inspection standards. (*Imp 28.2*)



